

HOUSE OF REPRESENTATIVES

Procedural & Redistricting Council

Representative Johnnie B. Byrd, Jr., Chair
Representative Mario Diaz-Balart, Vice Chair

2002 SUMMARY OF PASSED LEGISLATION



Claims Committee

Representative Marco Rubio, Chair
Representative Gary Siplin, Vice Chair

House Redistricting Committee

Representative Randy John Ball, Co-Chair
Representative Larry Crow, Co-Chair

Senate Redistricting Committee

Representative Bruce Kyle, Chair
Representative Paula Bono Dockery, Vice Chair

Congressional Redistricting Committee

Representative Mario Diaz-Balart, Chair
Representative Sandra L. "Sandy" Murman, Vice Chair

Rules, Ethics & Elections Committee

Representative J. Dudley Goodlette, Chair
Representative Dennis A. Ross, Vice Chair

Security, Select Committee

Representative J. Dudley Goodlette, Chair
Representative Dan Gelber, Vice Chair

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Claims Committee

CS/SB 6 – Relief/Strazza/Department of Agriculture & Consumer Services

By Finance & Taxation; Senator Campbell

Linked Bills: None.

Tied Bills: Similar HB 1265

Committee(s)/Council(s) of Reference: Claims; General Government Appropriations; Procedural & Redistricting Council

Compensates Laura Strazza for injuries she received due to the negligence of DACS. As a result of a jury verdict, the bill requires the Department to pay \$882,322.22.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 8 – Relief/Hopkins & Bowman/Fla. Board of Regents and others

By Senator Campbell

Linked Bills: None.

Tied Bills: Similar HB 187

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates father and son for injuries sustained by Towanna Hopkins for injuries she received as a result of medical malpractice. The bill is a result of a settlement agreement between the parties, wherein the Florida Board of Regents, the University of South Florida Health Sciences Center Insurance Company, and the University of South Florida have agreed to pay a total of \$3,693,896.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 10 – Relief/Schwartz/North Broward Hospital District

By Health, Aging & Long Term Care; Senator Villalobos

Linked Bills: None.

Tied Bills: Identical HB 61, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates the family of Mark Schwartz for injuries sustained during birth due to the negligence of District employees. As a result of a settlement agreement, the District has agreed to pay a total of \$600,000, of which \$400,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 14 – Relief/McIntire/DOT

By Finance & Taxation; Senator Clary

Linked Bills: None.

Tied Bills: Similar HB 419

Committee(s)/Council(s) of Reference: Claims; Transportation & Economic Development Appropriations; Procedural & Redistricting Council

Compensates the widow and two children for the wrongful death of Jeffrey McIntire due to the negligence of the Department of Transportation. As a result of a settlement agreement, the Department has agreed to pay a total of \$1,000,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 16 – Relief/Baucco/Department of Transportation

By Finance & Taxation; Senator Lawson

Linked Bills: None.

Tied Bills: Similar CS/HB 227

Committee(s)/Council(s) of Reference: Claims; Transportation & Economic Development Appropriations; Procedural & Redistricting Council

Compensates Patsy Baucco for injuries she sustained due to the negligence of an employee of DOT. As a result of a settlement agreement between the parties, the Department has agreed to pay a total of \$750,000, of which \$550,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 18 – Relief/McCarty/Department of Children & Family Services

By Finance & Taxation; Senator Holzendorf

Linked Bills: None.

Tied Bills: Similar HB 369

Committee(s)/Council(s) of Reference: Claims; Health & Human Services Appropriations; Procedural & Redistricting Council

Compensates the parents of Laura Bailey and Christina Decker for their wrongful deaths due to the negligence of employees of DCF. As a result of a settlement agreement between the parties, the Department has agreed to pay a total of \$600,000, of which \$400,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 22, 1st ENG. – Relief/Kimberly Godwin/CFS Dept.

By Finance & Taxation; Senator Pruitt

Linked Bills: None.

Tied Bills: Similar HB 357

Committee(s)/Council(s) of Reference: Claims; Health & Human Services
Appropriations; Procedural & Redistricting Council

Compensates Kimberly Godwin for the injuries she received as a result of the negligence of the Department of Children and Family Services. As a result of a jury verdict and final judgment for \$8 million, the bill requires payment of \$760,000 per year for 10 years.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 24 – Relief/Helm/Martin County

By Finance & Taxation; Senator Campbell

Linked Bills: None.

Tied Bills: Similar HB 349, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Margaret Helm for injuries she received due to the negligence of Martin County volunteer firefighters. As a result of a settlement between the parties, the County has agreed to pay the claimant a total of \$2,350,000, \$2,250,000 of which is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 26 – Relief/Skowroneks/Clearwater

By Senator Latvala

Linked Bills: None.

Tied Bills: Similar HB 151

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Eva Skowronek and her three children for the wrongful death of her husband as a result of excessive force by a City of Clearwater police officer. The bill is a result of a settlement between the parties, wherein the City has agreed to pay the claimant a total of \$525,000, \$200,000 of which is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 30 – Relief/De Paz/Miami-Dade County

By Senator Jones

Linked Bills: None.

Tied Bills: Identical HB 425

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Hilda De Paz for injuries she sustained as a result of an accident involving two county buses. As a result of a settlement agreement between the parties, the County has agreed to pay the claimant \$60,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 36 – Relief/Jones & Ferguson/Palm Beach County Sheriff's Office

By Finance & Taxation; Senator Rossin

Linked Bills: None.

Tied Bills: Similar HB 45

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates the mother and father of Kharmilia Ferguson for her wrongful death suffered due to the negligence of a Palm Beach County Deputy Sheriff. As a result of a settlement agreement between the parties, the Sheriff's Office has agreed to pay the claimants a total of \$2,000,000, of which \$1,800,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 38 – Relief/Falkinburg/West Palm Beach

By Senator Rossin

Linked Bills: None.

Tied Bills: Similar HB 39, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Rosemary Falkinburg for injuries she sustained due to the negligence of a City of West Palm Beach police officer. As a result of a settlement agreement between the parties, the City has agreed to pay the claimant a total of \$600,000, of which \$500,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/SB 42 – Relief/Garcia & Benjumea/Orange County
By Finance & Taxation; Senator Dyer**

Linked Bills: None.

Tied Bills: Similar HB 63, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates the legal guardian of Delfina Benjumea for injuries she sustained due to the negligence of the Orange County Sheriff's Department. As a result of a settlement agreement between the parties, the County has agreed to pay \$152,500, all of which is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**SB 44 – Relief/Torrence/Palm Beach County Health Care District
By Senator Pruitt**

Linked Bills: None.

Tied Bills: Identical HB 37, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates James Torrence for damages he suffered as a result of negligent surgery performed by an employee of the District. As a result of a settlement between the parties, the District has agreed to pay a total of \$500,000, of which \$400,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/SB 46 – Relief/Dixon/Indian River County School Board
By Finance & Taxation; Senator Pruitt**

Linked Bills: None.

Tied Bills: Identical HB 225, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates the parents of Victor Dixon, Jr. for his wrongful death due to the negligence of an employee of the Indian River County School Board. As a result of a settlement agreement between the parties, the District has agreed to pay a total of \$1,500,000, of which \$1,224,393.90 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 50 – Relief/Bigney/Palm Beach County Sheriff

By Senator Campbell

Linked Bills: None.

Tied Bills: Similar HB 587

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Lawrence Bigney for injuries he received due to the negligence of a Palm Beach County Sheriff's Officer. As a result of a settlement agreement between the parties, the Sheriff's Office has agreed to pay Mr. Bigney a total of \$175,000, \$75,000 by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 52 – Relief/Calderon/Miami-Dade County

By Finance & Taxation; Senator Villalobos

Linked Bills: None.

Tied Bills: Identical HB 85

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates the widow and minor children of Officer Roberto Calderon for his wrongful death due to the negligence of a Miami-Dade County bus driver. As a result of a settlement agreement between the parties, the County has agreed to pay \$2,300,000, of which \$2,100,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 56 – Relief/Arvay/Vero Beach

By Finance & Taxation; Senator Silver

Linked Bills: None.

Tied Bills: Similar HB 301, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Joseph Arvay for injuries he received due to the negligence of a City of Vero Beach police officer. As a result of a consent final judgment, the City has agreed to pay the claimant a total of \$4,349,094.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 60 – Relief/Joshua England/Monroe County

By Finance & Taxation; Senator Jones

Linked Bills: None.

Tied Bills: Similar HB 203, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Joshua England through his mother and legal guardian, for injuries sustained as a result of the negligence of special education teachers at the Key West High School pool. As a result of a settlement between the parties, the Monroe County School Board has agreed to pay the claimant a total of \$3.5 million, \$2.5 million of which is paid by way of this bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 62 – Relief/Jackson/Miami-Dade County

By Senator Meek

Linked Bills: None.

Tied Bills: Similar HB 361

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Millie Jackson for injuries she received due to the negligence of a Miami-Dade County employee. As a result of a settlement agreement between the parties, the County has agreed to pay the claimant a total of \$35,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 64 – Relief/Exanor/Delray Beach

By Finance & Taxation; Senator Klein

Linked Bills: None.

Tied Bills: Identical HB 359, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates the spouse and two children of Nancy Mervil for her wrongful death due to the negligence of a police officer of the City of Delray Beach. As a result of a settlement agreement between the parties, the City has agreed to pay a total of \$1,500,000, \$1,305,000 by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/SB 66 – Relief/Dent & Harley/Palm Beach County School Board
By Finance & Taxation; Senator Klein**

Linked Bills: None.

Tied Bills: Similar HB 375, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Ariel Alexis Dent for injuries she received due to the negligence of a Palm Beach County School Board school bus driver. As a result of a settlement agreement between the parties, the Board has agreed to pay \$800,000, of which \$600,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**SB 74 – Relief/Mitchell/Volusia County
By Senator Campbell**

Linked Bills: None.

Tied Bills: Identical HB 189, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates Steven Mitchell for injuries he sustained due to the negligence of hospital employees of Volusia County. As a result of a settlement agreement between the parties, the County has agreed to pay a total of \$2,500,000, of which \$2,300,000 is to be paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/CS/SB 76 – Relief/Hennelly/St. Lucie County Sheriff's Office
By Finance & Taxation; Criminal Justice; Senator Posey**

Linked Bills: None.

Tied Bills: Similar HB 563, 1st ENG.

Committee(s)/Council(s) of Reference: Claims; Procedural & Redistricting Council

Compensates William and Anne Hennelly for injuries they suffered due to the negligence of a St. Lucie County Sheriff's Officer. As a result of a settlement agreement between the parties, the Sheriff's Office has agreed to pay the claimants \$1,250,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/SB 82, 2nd ENG. – Relief/Verela, Iglesias, Avendano/DOT
By Finance & Taxation; Senator Diaz de la Portilla**

Linked Bills: None.

Tied Bills: Similar CS/HB 469

Committee(s)/Council(s) of Reference: Claims; Transportation & Economic
Development Appropriations; Procedural & Redistricting Council

Compensates the children of Veronica Barcos and Zuleima Torres for their wrongful deaths due to the negligence of the Department of Transportation. As a result of a consent final judgment the DOT has agreed to pay a total of \$1,000,000, of which \$800,000 is to paid by way of this claim bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Redistricting Committees

HJR 1987, 1st ENG. – Legislative Redistricting

By Byrd

Linked Bills: None.

Tied Bills: CS/SB 580

Committee(s)/Council(s) of Reference: House Redistricting, Senate Redistricting, Procedural and Redistricting Council

This House Joint Resolution consists of the state House plan that contains 120 contiguous districts as well as the state Senate plan that contains 40 contiguous districts for the State of Florida.

Effective date of this bill is July 1, 2002.

HB 1993, 1st ENG. – Congressional Redistricting

By Byrd

Linked Bills: None.

Tied Bills: CS/SB 594

Committee(s)/Council(s) of Reference: Congressional Redistricting/Procedural and Redistricting Council

This House Bill consists of the state Congressional plan that contains 25 contiguous districts for the State of Florida.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

Rules, Ethics & Elections Committee

HB 493, 2nd ENG. – Voter Registration

By Fiorentino & Others

Linked Bills: None.

Tied Bills: CS/CS/SB 1300

Committee(s)/Council(s) of Reference: Rules, Ethics & Elections; State Administration; Procedural & Redistricting Council (PRC)

HB 493, 2nd Eng., allows a voter registration application to be reproduced by private persons, so long as it is produced in the same format prescribed by the Department of State.

The bill ensures that unsigned or incomplete voter applications from other agencies such as the Department of Highway Safety and Motor Vehicles (under the “Motor Voter” law) are forwarded to the proper supervisor of elections for follow up.

The bill allows voters to change the address on their voter registration by telephone or e-mail as an alternative to mailing in a signed change of address form. In addition, voters are permitted to update the signature that they have on file with the supervisor. To that end, supervisors are required to periodically send out a notice informing voters of the update procedure.

The bill deletes the requirement that a supervisor of elections’ signature appear on voter identification cards. Instead, a supervisor’s *name* will now be printed on the cards.

The bill establishes a hearing procedure for voters who have been identified by supervisors as potentially ineligible to vote because of a felony conviction or adjudication as mentally incapacitated. The hearing procedure is designed to track the list maintenance procedures in section 98.075, F.S., for people who have been identified as being potentially ineligible to vote.

Subject to the Governor’s veto powers, the bill is effective upon becoming a law.

CS/SB 618, 1st ENG. – Elections

By Ethics and Elections & Sanderson

Linked Bills: None.

Tied Bills: Includes part of CS/SB 1350, CS/SB 1842, 1st ENG.

Committee(s)/Council(s) of Reference: Rules, Ethics & Elections; Procedural & Redistricting Council (PRC)

Following the 2000 Presidential Election, the Legislature enacted comprehensive election reforms. CS/SB 618, 1st ENG., clarifies revisions to the Florida Election Code (Code) adopted in chapter 2001-40, Laws of Florida.

CS/SB 618, 1st ENG., makes conforming, technical and other clarifying changes to the Code, which include:

- Late Registration;
- Statewide Registration Databases;
- A Voter's Bill of Rights;
- Provisional Ballots;
- Ballot Specifications;
- Voting Systems;
- The Instructions to Voters;
- Canvassing Procedures;
- The Reporting of Voting Problems;
- The Training of Poll Workers;
- Voter Education;
- Recounts and Processing of Duplicate Ballots; and
- The Reporting Requirements for Public Financing of Campaigns.

In addition, the bill:

- Softens the "Voter Responsibilities" in section 101.031, F.S., to make them less directive;
- Clarifies that "sufficient funds on deposit" means that a candidate has delivered funds to his or her financial institution;
- Allows candidates to be reimbursed for expenses incurred for travel, food and beverage, office supplies and certain mementos by check drawn on the campaign account; and
- Reenacts the prohibition against making contributions in the name of another in section 106.08(5), F.S., and clarifies that a candidate may not make contributions to any religious, civic, charitable or other such organizations in exchange for political support.

Subject to the Governor's veto powers, the bill is effective upon becoming a law, except as otherwise provided.

**CS/SB 1350 – Political Contributions
By Ethics and Elections & Sanderson**

Linked Bills: None.

Tied Bills: Compare CS/SB 1842, CS/SB 618

Committee(s)/Council(s) of Reference: N.A.

CS/SB 1350 reenacts the prohibition against making contributions in the name of another contained in section 106.08(5), F.S. The reenacted section also prohibits candidates from making contributions to religious, charitable or civic organizations in exchange for political support.

The bill enhances criminal penalties for making or accepting cash contributions in excess of \$100. This section is effective July 1, 2002. CS/SB 1350 establishes the following criminal penalties:

- A contribution in excess of \$100 is a first degree misdemeanor; and

- A contribution in excess of \$5,000 is a third degree felony.

The bill prohibits state or local government lobbyists from serving on the Florida Elections Commission. Commission members serving on July 1, 2002, are exempt from the bill's provisions until the expiration of their terms.

The bill incorporates provisions of the voter accessibility bill (HB 1645). It amends provisions in the Florida Election Code relating to voting and elections and, proposes codifying the recommendations made by the Secretary of State's Select Task Force on Voting Accessibility. The bill makes numerous changes and additions to Florida law that provide greater accessibility for disabled voters.

The bill provides the following:

- That all forms used in the registration and voting process be available, upon request, in alternative formats;
- That all voting machines and systems, including voting by absentee ballot, be fully accessible to all voters, regardless of ability or disability, so that all voters may cast a secret, independent, and verifiable ballot;
- That all polling places, regardless of the function of the building in which they are housed, be fully accessible to persons with disabilities; and
- Encourages the use of closed captioning and descriptive narratives in television broadcasts by candidates, political parties and political committees.

Except as provided therein, the voter accessibility provisions are effective one year after the legislature adopts the general appropriations act appropriating to the Department of State \$8.7 million for the specific purpose of funding these provisions.

Subject to the Governor's veto powers, the bill is effective upon becoming a law, except as otherwise provided herein.

CS/SB 1842, 1124 and 498, 1st ENG. – Elections
By Ethics & Elections; Lee; Futch; Smith & Others

Linked Bills: None.

Tied Bills: Compare CS/SB 1350, CS/SB 618

Committee(s)/Council(s) of Reference: N.A.

CS/SB 1842, 1124, & 498, 1st ENG., makes a number of changes to the Florida Election Code, primarily to the campaign finance provisions contained therein.

The bill makes the following changes, it:

- Amends the definition of "political committee" in chapter 106, F.S., to include any group that: 1) Makes or accepts contributions; or, 2) Expressly advocates any candidate or ballot issue, by contributing an aggregate amount of more than \$500 in a calendar year;

- Authorizes campaign expenditures to be made by debit card tied to the primary campaign depository, as well as with traditional paper bank checks;
- Modifies the fines for late-filed termination reports on the disposition of surplus funds, and establishes a notice requirement to apprise candidates that the report is coming due;
- Increases the petty cash amount that a campaign can spend on a single transaction from a maximum of \$30 to \$100;
- Increases the amount of surplus funds that successful candidates can deposit in an office account to: 1) \$2,500 for each year of the candidate's term (up from \$1,000 per year), for county, municipal, and intra-county candidates; 2) \$5,000 for each year of the candidate's term (up from \$2,500), for state legislators; and 3) \$20,000 total (up from \$10,000 total), for statewide candidates;
- Expands the current prohibition against using state workers during work hours for campaign purposes to include county, municipal, and district officers and employees;
- Re-enacts the prohibition against making indirect campaign contributions in section 106.08(5), F.S.; and
- Prohibits candidates, political committees, and political parties from making contributions to religious, charitable or civic organizations if those contributions are made in exchange for political support.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 172, 1st ENG. – Election Code/Violation

By Smith

Linked Bills: None.

Tied Bills: Identical HB 495

Committee(s)/Council(s) of Reference: Rules, Ethics & Elections; State Administration; Procedural & Redistricting Council (references for HB 495)

SB 172 provides that any person who agrees, conspires, combines, or confederates with another person to commit a violation of the Florida Election Code shall be punished as if that person had committed the violation.

The bill further provides that any person who knows of a violation of the Florida Election Code and gives any aid to the violator, with the intent that the violator avoid or escape detention, arrest, trial, or punishment, shall be punished as if that person (the person assisting the violator, as specified) had committed the violation. However, this prohibition does not preclude a member of the Florida Bar from rendering legal advice to a client.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

Security, Select Committee

HB 727, 1st ENG. – Disaster Preparedness

By Select Committee on Security; Goodlette & others

Linked Bills: HB 729, HB 733

Tied Bills: Identical SB 1634

Committee(s)/Council(s) of Reference: Security, Select; Crime Prevention, Corrections & Safety; Council for Healthy Communities

This bill revises the process for coordination and approval of disaster preparedness plans and directs each agency to complete a revised plan by July 1, 2003. The bill requires all state agencies to plan for the potential extended disruption of operations and to establish contingencies for alternative operations to provide essential services. The bill establishes minimum elements that must be included in each disaster preparedness plan. The bill further requires agencies to coordinate their plans with local emergency management officials and requires the Department of Community Affairs to provide technical assistance and planning guidelines.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 735 – Public Records/Building Plans

By Council for Smarter Government; Select Committee on Security; Gelber & others

Linked Bills: None

Tied Bills: Similar CS/SB 982; Compare SB 486

Committee(s)/Council(s) of Reference: Security, Select; State Administration; Council for Smarter Government

The bill creates a public records exemption for building plans, blueprints, schematic drawings, and diagrams that depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency. The act provides a public necessity statement, as required by the Florida Constitution, that states the exemption is necessary in order to ensure the safety of government infrastructures and to ensure public safety. Such exempt information is a vital component of public safety, and if it were made publicly available the ability for persons who desire to harm individuals located in those structures would increase. The bill also provides for retroactive application of the public records exemption. Additionally, this exemption is made subject to the Open Government Sunset Review Act of 1995 and will repeal on October 2, 2007, unless reenacted by the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 811 – Seaport Security Infrastructure

By Council for Ready Infrastructure; Select Committee on Security; Bense & others

Linked Bills: None

Tied Bills: Similar CS/SB 972

Committee(s)/Council(s) of Reference: Security, Select; Transportation & Economic Development Appropriations; Council for Ready Infrastructure

This bill extends eligibility for the Florida Seaport Transportation and Economic Development (FSTED) program funds to be used for seaport security. Security measures that are eligible for the program are those that are prescribed by security plans that have been approved by the Florida Department of Law Enforcement. Security infrastructure, such as equipment, is exempt from the 50-50 match requirement. However, seaports must meet the 50-50 match for funds that are used for personnel. Security projects at sea ports whose operating revenues are less than \$14 million will be given additional consideration and will be eligible for grants not to exceed \$350,000. Eligibility for seaport security projects under the FSTED program expires June 30, 2004.

The bill provides that seaports receiving federal funds for infrastructure security improvements must reimburse the state. These reimbursed funds must be used for other non-security projects in the FSTED program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 954, 1st ENG. – Local Government Employees and Contractors

By Smith

Linked Bills: None

Tied Bills: Similar HB 705

Committee(s)/Council(s) of Reference: Public Security and Crisis Management, Select; Comprehensive Planning, Local and Military Affairs; Criminal Justice

This bill authorizes counties and municipalities to enact ordinances requiring state and federal criminal history record checks on county and municipal employees in positions deemed critical to security or public safety. The positions must be deemed critical by the governing body of the county or municipality. The bill gives such entities authority to require security background investigations on any private contractor or private contractor's employee, vendor, repair person, or delivery person with access to any public facility that is deemed to have critical security or public safety status by the municipality's or county's governing body.

The bill provides that the exceptions in s. 112.011, F.S., removing certain disqualifications for employment are not applicable to the hiring practices of any county or municipality for positions that are critical to security or public safety.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 998, 2nd ENG. – Criminal Justice

By Criminal Justice; Smith

Linked Bills: None

Tied Bills: Similar HB 1437; Includes part of HB 653, 1st ENG.; SB 1014; CS/SB 1184

Committee(s)/Council(s) of Reference: Public Security and Crisis Management, Select; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

The bill amends the crime of false reporting about planting bombs and the crime of false reporting of bombs on state property to include false reporting of weapons of mass destruction.

The bill also amends the elements of planting a hoax bomb and increases the crime from a third-degree felony to a second-degree felony.

The bill amends the definition of weapons of mass destruction to include death or serious bodily injury to any human or animal, severe emotional or mental harm to any human, any device or agent involving a biological component, and any device intended to release radiation at a level that is dangerous to animals. The bill also clarifies what are not considered weapons of mass destruction.

The bill creates a second-degree felony offense for the possession, display, or threat to use a hoax weapon of mass destruction during the commission or attempted commission of a felony.

For those convicted of false bomb reports, using hoax bombs, making false reports of the use of weapons of mass destruction, or using hoax weapons of mass destruction, the bill authorizes the sentencing court to order the defendant to pay restitution for the costs of mobilizing law enforcement agencies and all other state or local agencies. Additionally, adjudication of guilt or suspension of sentences for these crimes are precluded. The prosecuting attorney may, however, request the court to reduce or suspend the sentence if the defendant provides substantial assistance in the identification, arrest, or conviction of others involved in the crime.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 1427, 1st ENG. – Relating to Sheriffs

By Kendrick

Linked Bills: None

Tied Bills: Identical CS/SB 1190

Committee(s)/Council(s) of Reference: Security, Select; Procedural & Redistricting Council

This bill provides an exemption from the statutory bonding requirements in s. 30.09, F.S., for special deputy sheriffs mobilized in response to an act of local terrorism or a national terrorism alert.

This bill changes the format of the annual budget proposals by sheriffs' prescribed in s. 30.49, F.S., to conform with other county and statewide accounting practices.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 1439, 2nd ENG. – Communications Interception

By Gelber

Linked Bills: None

Tied Bills: Similar CS/SB 1774, 1st ENG.; Compare HB 725; SB 446

Committee(s)/Council(s) of Reference: Security, Select; Judicial Oversight; Procedural & Redistricting Council

The bill changes Florida's wire tap laws to conform them with changes in federal wire tap laws brought on with the passage of the USA PATRIOT Act on October 26, 2001. The changes address advances in technology and the emergence of new crimes, e.g., identity theft and acts of terrorism.

The bill amends sections relating to pen registration and trap and trace devices applying them to a broad variety of relatively new communication technologies (such as cellular telephones and Internet user accounts). This bill clarifies that law enforcement may seek court authorization to use pen registration and trap and trace devices to trace communications on the Internet and other computer networks. Law enforcement can use these devices to obtain information about dialing, routing, addressing, and signaling information utilized in the processing and transmitting of wire and electronic communications. The devices cannot be used to intercept the content of communications.

The bill permits Florida state judges to issue orders authorizing the interception of wire communications throughout the state provided there is some criminal activity within the jurisdiction of the court initially authorizing the order. Additionally, the bill allows courts to order the interception of wire communications for the criminal investigation of the use or threat to use bombs and weapons of mass destruction.

The bill defines the concept of a computer trespasser and a protected computer consistent with federal law. The bill allows victims of computer attacks to authorize law enforcement officers to monitor trespassers on their computer systems. Under certain circumstances, the bill authorizes law enforcement officers to intercept the communications of a computer trespasser transmitted to, through, or from a protected computer. Additionally, this bill requires law enforcement officers to maintain, and file with the court whenever they use a court order to install their own monitoring device on computers belonging to a public provider.

The bill authorizes the Florida Department of Law Enforcement (FDLE) to utilize resources effectively to investigate acts of terrorism. The bill allows FDLE to use personnel from other agencies that would be acting at the direction of FDLE to investigate acts of terrorism. The bill develops a method to bring FDLE into local agencies' wire interception investigations when evidence of terrorism-related crimes are uncovered. The bill authorizes emergency wire intercepts when there is evidence that communications relate to activities threatening national or state security.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.
